

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

Glenn Liou et al, individually and on behalf of all others similarly situated

## DEFENDANTS

NESTLE DREYER'S ICE CREAM COMPANY

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Sheehan &amp; Associates, P.C., 505 Northern Boulevard, Suite 311, Great Neck, NY 11021, (516) 303-0552

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 USC § 1332, Violation of Consumer Protection Laws

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes 

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 375 FALSE CLAIMS	
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[ ] 376 QUI TAM	
[ ] 130 MILLER ACT	LIAIBILITY	[ ] 365 PERSONAL INJURY	21 USC 881	[ ] 423 WITHDRAWAL	[ ] 400 STATE	REAPPORTIONMENT
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	[ ] 690 OTHER	28 USC 157	[ ] 410 ANTITRUST	
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	PROPERTY RIGHTS	[ ] 820 COPYRIGHTS	[ ] 430 BANKS & BANKING	
[ ] 151 MEDICARE ACT	[ ] 340 MARINE	PERSONAL PROPERTY	[ ] 830 PATENT	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[ ] 450 COMMERCE	
[ ] 152 RECOVERY OF DEFECTUALTED STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	[X] 370 OTHER FRAUD	[ ] 840 TRADEMARK	[ ] 840 TRADEMARK	[ ] 460 DEPORTATION	
[ ] 350 MOTOR VEHICLE	[ ] 355 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	SOCIAL SECURITY	[ ] 861 HIA (1395ff)	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	PRODUCT LIABILITY	[ ] 360 OTHER PERSONAL INJURY	LABOR	[ ] 862 BLACK LUNG (923)	[ ] 480 CONSUMER CREDIT	
[ ] 160 STOCKHOLDERS SUITS	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 863 DIWC/DIWV (405(g))	[ ] 490 CABLE/SATELLITE TV	
[ ] 190 OTHER CONTRACT	ACTIONS UNDER STATUTES	[ ] 385 PROPERTY DAMAGE	[ ] 720 LABOR/MGMT RELATIONS	[ ] 864 SSID TITLE XVI	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
[ ] 195 CONTRACT PRODUCT LIABILITY	CIVIL RIGHTS	PRODUCT LIABILITY	[ ] 740 RAILWAY LABOR ACT	[ ] 865 RSI (405(g))	[ ] 890 OTHER STATUTORY ACTIONS	
[ ] 196 FRANCHISE	[ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[ ] 463 ALIEN DETAINEE	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 891 AGRICULTURAL ACTS	
REAL PROPERTY		[ ] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[ ] 790 OTHER LABOR LITIGATION	[ ] 871 IRS-THIRD PARTY	[ ] 893 ENVIRONMENTAL MATTERS	
[ ] 210 LAND CONDEMNATION		[ ] 530 HABEAS CORPUS	[ ] 791 EMPL RET INC SECURITY ACT (ERISA)	26 USC 7609	[ ] 895 FREEDOM OF INFORMATION ACT	
[ ] 220 FORECLOSURE		[ ] 535 DEATH PENALTY			[ ] 896 ARBITRATION	
[ ] 230 RENT LEASE & EJECTMENT		[ ] 540 MANDAMUS & OTHER			[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
[ ] 240 TORTS TO LAND			IMMIGRATION		[ ] 950 CONSTITUTIONALITY OF STATE STATUTES	
[ ] 245 TORT PRODUCT LIABILITY			PRISONER CIVIL RIGHTS	[ ] 462 NATURALIZATION		
[ ] 290 ALL OTHER REAL PROPERTY				APPLICATION		
				[ ] 465 OTHER IMMIGRATION ACTIONS		
			CONDITIONS OF CONFINEMENT			

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$5,000,000 OTHER JUDGE DOCKET NUMBER

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- |   |   |  |   |  |   |   |
|---|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input type="checkbox"/> a. all parties represented       |   |  |   |  |   | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File)         |
| <input type="checkbox"/> b. At least one party is pro se. |   |  |   |  |   |   |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [X] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [X] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Glenn Liou, 1232 Mayflower Ave, Bronx, NY 10461 - Bronx County

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

NESTLE DREYER'S ICE CREAM COMPANY - 5929 COLLEGE AVENUE, OAKLAND, CA 94618 - ALAMEDA COUNTY

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

DATE 06/21/2019 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT # /s/ Spencer Sheehan

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[X] YES (DATE ADMITTED Mo. 7 Yr. 2012)  
Attorney Bar Code # SS-2056

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)